

PATENT

REMARKS

Claims 1-3, 6, 9-20, 23, 25-30, and 34-42 are pending. Claims 1, 2 and 11 have been amended. No new matter has been introduced by these amendments. Clear support for the amendments is found in the specification, figures and claims as originally filed.

The amendments to claims 1, 2, and 11 are intended to narrow these claims to one of two patentable species of adenovirus covered by the claims prior to amendment. Specifically, prior to amendment, claims 1, 2 and 11 are directed to adenoviruses having deletions in the E1 and E2 regions but not the E4 region or adenoviruses having deletions in the E1 and E4 regions but not the E2 region. As amended, claims 1, 2 and 11 are directed to the first species, adenoviruses having deletions in the E1 and E2 regions but not the E4 region. This amendment is made without prejudice. Party Gencell reserves the right to pursue the subject matter of the second patentable species, namely an adenovirus having deletions in the E1 and E4 regions but not the E2 region, by presenting this subject matter during subsequent *ex parte* examination or in a continuation application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

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In view of the foregoing, entry of the present amendment is respectfully solicited.

Respectfully submitted,

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Date: 1/23/03



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 2 and 11 have been **amended** as follows:

1. (Sixth Amendment) A replication defective recombinant adenovirus comprising

ITR sequences,

an encapsulation sequence and

a heterologous DNA sequence,

wherein E1 genes have been rendered non-functional by deletion, and wherein [either] E2 [or E4] genes, but not [both] E4 genes, have been rendered non-functional by deletion.

2. (Fourth Amendment) A replication defective recombinant adenovirus

comprising

ITR sequences,

an encapsulation sequence and

a heterologous DNA sequence,

wherein E1 genes have been rendered non-functional by deletion, wherein E2 [or E4] genes have been rendered non-functional by deletion, and wherein adenovirus sequences are from a canine adenovirus.

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11. (Fourth Amendment) A replication defective recombinant adenovirus comprising

ITR sequences,

an encapsulation sequence,

a heterologous DNA sequence, and

a functional E3 gene under the control of a heterologous promoter,

wherein E1 genes have been rendered non-functional by deletion, and wherein E2 [or E4] genes have been rendered non-functional by deletion.